

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 17, 2007
POSITION: Oppose

BILL NUMBER: SB 601
AUTHOR: T. Torlakson
RELATED BILLS: SB 602

BILL SUMMARY: Teachers: Physical Education Professional Development

This bill would establish the Physical Education Professional Development Program for schoolsite administrators and physical education teachers. The bill would also require the Department of Education (SDE) to audit grant recipients, provide interim reporting on program effectiveness as specified, increase Categorical Program Monitoring (CPM) related to certain physical education requirements and post those results on their website, and authorize schools to excuse and exempt pupils from physical education for specified reasons.

FISCAL SUMMARY

While this bill does not contain an appropriation for its purposes, it proposes awarding 1,000 professional development grants at a maximum of \$5,000 each, which would likely result in Proposition 98 General Fund cost pressures of \$5.0 million annually to fund this new program. Additionally, SDE estimates it would cost \$169,000 General Fund state operations to administer this program.

COMMENTS

The Department of Finance (Finance) is opposed to this bill for the following reasons:

- This bill is unnecessary because the 2007-08 Budget proposes \$41.8 million Proposition 98 General Fund for the Physical Education Incentive Grant Program, which provides ongoing grants of \$36,586 to local educational agencies with grades K through 8 for the purpose of hiring credentialed physical education teachers. Moreover, the need for physical education teacher professional development is mitigated by hiring credentialed teachers who have been specifically prepared to provide instruction in physical education.
- This bill would create significant pressure to increase the annual appropriation for professional development programs by \$5.0 million Proposition 98 General Fund for this new program and \$169,000 General Fund annually for state operations, which is not included in the Administration's current fiscal plan.
- The 2007-08 Budget includes \$274.7 million for the Professional Development Block Grant, which school districts can use at their discretion to provide professional development in physical education to teachers.
- The bill's proposal to relax physical fitness standards and thereby increase the number of pupils eligible to be excused or exempted from physical education is inconsistent with the Administration's policy on the fight against childhood obesity.

Finance notes two technical flaws which, if not amended, would require clean-up legislation:

- While this bill would authorize the Commission on Teacher Credentialing to approve professional development under this measure as meeting a portion of the continuing education requirements for renewal of a credential, continuing education requirements for teachers were repealed by SB 1209 (Chapter 517, Statutes of 2006).

Analyst/Principal (0383) S. Swan	Date	Program Budget Manager Jeannie Oropeza	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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- The bill would authorize the SDE to withhold funds from the next monthly principal apportionment in the event an audit determined an LEA misspent grant funds. A recent technical amendment to similar language for the Mathematics and Reading Professional Development Program changed the phrase "next monthly" to "monthly" to align with actual practice dictated by the timing of audits, board meetings, and apportionments. It would be advisable to word this bill similarly.

ANALYSIS

A. Programmatic Analysis

The Physical Education Teacher Incentive Grant program provides ongoing grants of \$36,586 to schools with kindergarten or any of grades one through eight, to support the hiring of credentialed physical education teachers. The 2007-08 Budget proposal includes \$41.8 million to fund 1,143 schools. Grant recipients are randomly selected but equitably distributed based on school type, size, and geographic location. This grant program requires schools to monitor and report to the State Department of Education (SDE) the minutes of physical education instruction provided to students and to develop a plan to correct any deficiencies.

This bill would establish the Physical Education Professional Development Program to provide 1,000 grants for a maximum of \$5,000 each to schools with the intent of providing professional development in physical education to schoolsite administrators and teachers. The bill proposes that the initial training be 20 hours in length and that an additional 20 hours may be completed over a two-year period. Priority for funding would be based on the percentage of unfit pupils at a school, the percentage of pupils eligible for free or reduced price meals, and the number of teachers providing physical education instruction who are new to teaching or do not hold a clear credential. Implementation of this program would be contingent on an appropriation in the annual Budget Act or another statute.

Current law requires the SDE to ensure that the data collected through Categorical Program Monitoring (CPM) indicates the number of minutes of instruction in physical education actually provided by each school district for the purpose of determining whether each school district is in compliance with specified physical education requirements.

This bill would increase the physical education data that SDE collects from school districts by five items including physical fitness testing results, the availability of alternative physical education courses such as dance or combatives (i.e. martial arts and wrestling) for both exempted and non-exempted students, and whether or not physical education classes are taught by appropriately credentialed teachers. The data items are collected by SDE staff via a standardized checklist during schoolsite visits for CPM. According to SDE, the additional monitoring and reporting for CPM will not increase schoolsite visits by SDE staff and the workload associated with monitoring a few more items will be minor and absorbable within existing resources. Further, SDE indicates that schools are already required to perform the activities subject to additional monitoring; therefore, the bill will not create new activities at the local level.

Current law authorizes the governing board of a school district or county superintendent of schools to exempt pupils from physical education courses for two years during grades 10 to 12 if the pupil has passed all six standards of the physical performance test administered in the 9th grade.

This bill would provide schools the authority to exempt or excuse pupils from physical education for two years during grades 10 to 12 if the pupil has passed five of the six standards of the physical performance test administered in the 9th grade. Relaxing physical fitness standards or reducing the

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physical activity levels of pupils is inconsistent with the Administration's policy on the fight against childhood obesity.

B. Fiscal Analysis

While this bill does not contain an appropriation for its purposes, it proposes awarding 1,000 professional development grants at a maximum of \$5,000 each, which would likely result in Proposition 98 General Fund cost pressures of \$5.0 million to fund this new program. Additionally, the Department of Education estimates it would cost \$169,000 General Fund state operations to administer this program.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2007-2008	FC	2008-2009	FC	2009-2010	Code
6110/Dept of Educ	LA	Yes	C	\$5,000	C	\$5,000	C	\$5,000	0001
6100/Education	SO	No	C	\$169	C	\$169	C	\$169	0001